

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

ROGER DAIL COPELAND, SR.,

Plaintiff,

v.

PHILLIP VOLLAND, Superior Court
Judge,

Defendant.

Case No. 3:21-cv-00262-SLG-KFR

ORDER RE FINAL REPORT AND RECOMMENDATION

Before the Court at Docket 2 is Plaintiff Copeland's¹ *Prisoner's Complaint* under the Civil Rights Act 42 U.S.C. § 1983, a Civil Cover Sheet at Docket 1, and *Prisoner's Application to Waive Prepayment of the Filing Fee* at Docket 3. The complaint and application were referred to the Honorable Magistrate Judge Kyle F. Reardon for screening in accordance with 28 U.S.C. §§ 1915(e) and 1915A. At Docket 7, Judge Reardon issued his Final Report and Recommendation, in which he recommended the action be dismissed with prejudice. No objections to the Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court "may accept, reject, or modify, in whole or in

¹ Plaintiff is a self-represented prisoner.

part, the findings or recommendations made by the magistrate judge.”² A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”³ But as to those topics on which no objections are filed, “[n]either the Constitution nor [28U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”⁴

The magistrate judge recommended that the Court dismiss this action with prejudice based on the absolute judicial immunity of Defendant for damages and the futility of amendment. The Court has reviewed the Final Report and Recommendation and agrees with its analysis. Accordingly, the Court adopts the Report and Recommendation, and IT IS ORDERED that this action is DISMISSED WITH PREJUDICE.

DATED this 11th day of April, 2022, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

² 28 U.S.C. § 636(b)(1).

³ *Id.*

⁴ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); see also *Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).